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SUBJECT: SLOVENE BORDER: GOC PUSHING FOR ARBITRATION

¶1. (SBU) SUMMARY AND COMMENT: While the annual summer political rhetoric about Croatia-Slovenia border disputes is as predictable as the flood of tourists to the coast, this year GoC officials have increasingly indicated that international arbitration is the only solution they will accept. A mid-summer Government of Slovenia "White Paper" on border issues was panned by the Croatian MFA as a stalling tactic that makes the Slovene position more radical - moving the two sides farther apart.

¶2. (SBU) While MFA Chief Legal Advisor Andreja Metelko-Zgombic is still drafting a "Blue Paper" promised by PM Ivo Sanader to outline Croatia's position on the border with Slovenia, she told PolOff earlier this month that she sees no possibility of resolving the border dispute bilaterally. "There is no common ground," she said. She cited the GoS's broad distribution of the "White Paper" to foreign embassies as a sign the GoS is attempting to leverage its support for Croatia's EU candidacy to gain territorial concessions, but said the GoC is ready to hold out for arbitration. END SUMMARY AND COMMENT.

NO COMMON GROUND ON DISPUTED LAND BORDER

¶3. (SBU) Border questions made the local press again August 29 after Slovene police reportedly attempted to stop Croatian construction crews working on a road to the jointly-operated Hotiza border crossing point near the Mura River. This followed Slovene complaints in July that Croatia had constructed a bridge over the Mura on what they claimed was Slovenian territory without their consent. Metelko-Zgombic dismissed the complaints as local politics, citing the fact that GoS signed a bilateral agreement acknowledging that the joint border post was on Croatian territory (making a bridge and road approaching from the Croatian side also Croatian) and only spoke up about the bridge after Croatia completed construction.

¶4. (U) The problem with the area around Hotiza, like many listed as disputed in Slovenia's "White Paper," lies with shifting river flows. Changes in the path of rivers like the Mura, used as natural border markers at various times in the past, have left both countries with property from their land registries on the far side of the river.

SEA BORDER: BIGGER AND STICKIER

¶5. (SBU) The dispute over Piran Bay and Slovenia's access to the high seas remains central to border-related difficulties, though Metelko-Zgombic remains confident that a straight interpretation of the Law of the Sea favors Croatian views. She complained that the

GoS's "White Paper" contradicted the Memorandum on Piran Bay ratified by the Slovenian Parliament in 1993, which acknowledges that Slovenia has no grounds to declare any exclusive zones in Piran Bay as it ostensibly does in the "White Paper." Metelko-Zgombic added that the "White Paper" did not even mention the agreement initialed by the former coalition government of Ivica Racan, but never ratified by the Croatian parliament, that would have granted Slovenia a corridor to the open sea. While Slovene officials have often pointed to this agreement in the past as a starting point (despite Croatian assertions that it is not revivable), Metelko-Zgombic said GoS claims now go well beyond the Racan agreement.

POSTURING FOR ARBITRATION

16. (SBU) With increasing talk of arbitration, the GoC may be engaging in its own campaign to protect itself from EU-related pressure from Slovenia and a push for arbitration before membership. PM Sanader is on record as saying that the border should be settled through international arbitration. According to Metelko-Zgombic, the GoC would prefer arbitration through the International Tribunal for the Law of the Sea for the maritime dispute. Slovenia, however, stipulated that it could not be forced to accept arbitrated sea borders when it signed the Law of the Sea Convention. The GoC's second choice, Metelko-Zgombic said, is the International Court of Justice, which could arbitrate both land and sea borders. Failing that, the GoC would also accept third-party arbitration.

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